

In the Matter of

To: The Commission

LATE FILED COMMENTS OF KENNETH J. BROWN

I am a private individual, a semi-retired Broadcast Engineer, now available as a consultant. Until my retirement, I was the individual with primary responsibility for the preparation of the annual regulatory fee filing for the ABC, Inc. subsidiary of The Walt Disney Company ("ABC") from the beginning of the fee collection program in 1994, and I was contracted to do it again last year, so I have some knowledge of the topic. I here present my thoughts as individual comments in this proceeding. They are a few days late since, being now only a private individual, I have a few other things on my mind. Clearly, the opinions expressed herein are my own and may not be taken as reflective of any opinions of my former employer.

PROCEDURAL CHANGES

The NPRM (FCC 04-66, released 3/29/04) at par. 10 notes that many media services licensees last year sent back a copy of the assessment notification with payment instead of a completed FCC Form 159. At paragraph 7 of the NPRM is given a telephone number to call for forms and information, for use by those who have no access to the FCC Website on the Internet. That phone number did not appear on the assessment card, only the Internet address. Does it not occur to someone that there might be a connection? I suspect that those small operations with no access to the Internet are also those least likely to get FCC notices and hence most likely to depend on phoning for information, and I recommended in my reply comments last year that the help telephone number should appear on the card. I also suggested strongly that the postcard should state that the fee cited was the BASE fee only and did NOT include any supplemental services, such as Broadcast Auxiliary licenses. How many fees for broadcast auxiliary and other licenses (such as transmit earth stations) held with broadcast stations were not paid last year, presumably because the station financial persons took the fee notified as the total due, in the absence of other notification?

FUTURE STREAMLINING

I wish to incorporate by reference my reply comments from last year since I made several specific suggestions which appear to have been totally ignored.

Par. 24 of the NPRM proposes to make the use of Fee Filer mandatory for fees over a certain monetary level or for licensees holding a certain number of licenses. Please look back at the comments above regarding access to the Internet before considering any minimums of either dollars or number of licenses. Then please recognize that, last year, the MANDATORY browsers to access all features of ULS and the MANDATORY browsers to access Fee Filer were NOT THE SAME EDITIONS OF BROWSERS! Do you suppose you could try harder to confuse and disable filers? Note that I am NOT recommending updating to always require use of the latest browser edition. While it makes good sense to require use of a browser new enough to enable Secure Sockets Layer with secure encryption to keep transactions secure, limiting acceptable browsers to only the absolute latest can be counterproductive as the newest software often has more significant hardware requirements, and not all people even who have Internet access have the latest and most expensive hardware needed to run the latest and most bloated software. Indeed, the operator of the Shields Up website (www.grc.com) has been writing for some years with great detail about severe security failings in operating systems more recent than Windows 98. Setting requirements for mandatory electronic filing involves a balancing act to allow the mandatory software to accommodate both those who routinely seek the latest systems and others who either have fewer resources to expend on computers or who have more caution of the latest systems, generally from having been burned by buggy releases or "upgrades" that don't work.

Paragraph 24 also seeks comments on use of information technology on assessments or bills to enable payment of fees with a copy of the bill instead of a Form 159. Certainly you can't consider that until you have a way of putting together all the fees a licensee owes, without including fees not due, as identified above and below.

PROCEDURES FOR PAYMENT

With respect to Earth Station licenses, do you suppose that, in future years, when you check up on payments, you might get from International Bureau a list of active licenses which does not include new grants made after October 1, so you can stop sending out bills for fees for licenses which did not exist on the October 1 record date (see NPRM par. 27e)?

CONCLUSION

These suggestions are offered with the sole intent of helping, if possible, to improve the fee collection process.

Respectfully submitted,
Kenneth J. Brown

April 24, 2004

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